

State of California
AIR RESOURCES BOARD

Second Notice of Public Availability of Modified Regulatory Text

**PUBLIC HEARING TO CONSIDER AMENDMENTS TO THE CALIFORNIA ZERO
EMISSION VEHICLE PROGRAM REGULATIONS**

Public Hearing Date: January 25, 2001

First Public Availability Date: October 31, 2001

Second Public Availability Date: November 19, 2001

Second Deadline for Supplemental Public Comment: December 4, 2001

This notice announces a second supplemental period in which the public may comment on additional modifications being proposed for amendments to the regulations establishing the California Zero Emission Vehicle (ZEV) program. No action by any member of the public is necessary unless the person wishes to comment on the additional modifications.

At a January 25, 2001 public hearing, the Air Resources Board (ARB or Board) considered adoption of amendments to section 1962, title 13, California Code of Regulations (CCR), and related regulations. The amendments, proposed by staff, would make major changes to the requirements imposed on manufacturers by the California Zero Emission Vehicle (ZEV) program. Key elements of the initial proposal would reduce the number of pure ZEVs needed to comply in the early years; allow a further reduction of up to 50 percent in the number of required ZEVs if manufacturers "backfill" by producing other types of advanced technology vehicles; reduce the number of "PZEVs" needed in the early years; and gradually increase the percentage requirement up to 16 percent in 2018. The amendments were described in detail in the Staff Report (Initial Statement of Reasons for Proposed Rulemaking) released on December 8, 2000.

The Board's action. At the conclusion of the January 25, 2001 hearing, the Board adopted Resolution 01-01, in which it approved the originally proposed amendments with a number of modifications. Many of the modifications had been suggested by staff in a document distributed at the hearing; other modifications were initiated by the Board itself. The Resolution directed the Executive Officer to incorporate the approved modifications into the proposed regulatory text, with such other conforming modifications as may be appropriate, and to make the modified text available for a supplemental comment period. The proposed modifications were made available with a supplemental comment deadline of November 15, 2001, and a substantial number of written comments were received.

Additional Modifications. Based on comments received during the supplemental comment period, staff is proposing additional substantive, clarifying and technical modifications to the regulatory texts that are needed to better reflect the underlying intent of the proposal. The substantive modifications (1) provide an additional technology phase-in multiplier that increases the pre-2012 credit earned by AT PZEVs with greater than 10 miles zero emission VMT, (2) allow ZEVs re-leased prior to January 25, 2001 for a period beyond three years of service to earn additional credit for their time in service even if not covered by a warranty, (3) allow ZEVs placed in programs with linkage to transit to earn transportation systems credit regardless of whether the program exhibits shared use or

intelligent technology, (4) remove the requirement that a vehicle have idle stop capability in order to earn advanced componentry credit under the "percent peak power" method of calculating advanced componentry credit, (5) allow the "efficiency" method to be used beyond 2007, and (6) limit, in 2006 and beyond, the use of credits earned by NEV placements in 2001 through 2005.

Attachment I contains excerpts of the regulations and documents incorporated by reference in the regulations, with the additional modifications shown along with explanations of the modified language and its rationale. The complete texts of the regulations containing proposed additional modifications are available online at the ARB's Internet site for the regulatory documents in this rulemaking – <http://www.arb.ca.gov/regact/zev2001/zev2001.htm>. Printed copies may be obtained from Linda Lu Davis at (916) 322-6169.

Comments and subsequent action. The additional modifications are being made available for a second supplemental comment period in accordance with section 11346.8 of the Government Code. In Resolution 01-01, the Board directed the Executive Officer to either adopt the amendments with such additional modifications as may be appropriate in light of the comments received, or to present the regulations to the Board for further consideration if warranted.

Written comments on the proposed modifications may be submitted by postal mail, electronic mail, or facsimile as follows:

Postal mail is to be sent to:

Clerk of the Board
Air Resources Board
P.O. Box 2815
Sacramento, California 95812

Electronic mail is to be sent to: zev2001@listserv.arb.ca.gov

Facsimile submissions are to be transmitted to: (916) 322-3928

In order to be considered by the Executive Officer, comments must be directed to the ARB in one of the three forms described above and received by the ARB by 5:00 p.m. on the last day for supplemental comment listed at the beginning of this notice. *Only comments relating to the additional modifications to the text of the regulations will be considered by the Executive Officer.*

If you are a person with a disability and desire to obtain this document in an alternative format, please contact the Air Resources Board ADA coordinator at (916) 323-4916.

Persons with hearing or speech impairments can contact us by using our Telephone Device for the Deaf (TDD) at (916) 324-9531 or (800) 700-8326 for TDD calls from outside the Sacramento area.

The energy challenge facing California is real. Every Californian needs to take immediate action to reduce energy consumption. For a list of simple ways you can reduce demand and cut your energy costs see our Web-site at www.arb.ca.gov.